

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ATLEES TINY STORAGE, LLC,)	
)	
Plaintiff,)	
v.)	Case No. <u>CIV-15-115-D</u>
)	
HARTFORD UNDERWRITERS)	<i>(Removed from Oklahoma</i>
INSURANCE COMPANY)	<i>County, Case No. CJ-2015-15)</i>
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant Hartford Underwriters Insurance Company (“Hartford”) removes this action from the District Court of Oklahoma County, Oklahoma, to the United States District Court for the Western District of Oklahoma. As set forth more fully below, this case is properly removed to this Court under 28 U.S.C. §§ 1332, 1441, and 1446 because Hartford has satisfied the procedural requirements for removal and this Court has subject matter jurisdiction under 28 U.S.C. § 1332.

I. Hartford has satisfied the procedural requirements for removal.

1. Plaintiff Atlees Tiny Storage, LLC (“Plaintiff”) commenced this action entitled *Atlees Tiny Storage, LLC v. Hartford Underwriters Insurance Company*, Case No. CJ-2015-15 (the “Action”), by filing a Petition with the District Court of Oklahoma County, Oklahoma (the “Petition”), on January 5, 2015. *See* Exhibit 1.

2. The summons and Petition were served on Hartford through the Oklahoma Insurance Commissioner and Hartford’s service agent, The Corporation Company, on January 12, 2015. *See* Exhibit 2. Copies of all process and pleadings are attached as

Exhibits 1-2. Hartford is unaware of the existence of any process, pleadings, or orders other than the documents included in Exhibits 1-2. Moreover, there are no motions pending before the Oklahoma County District Court in this matter, nor are any hearings currently set.

3. A copy of the Docket Sheet, Oklahoma County, Case No. CJ-2015-15, is attached as Exhibit 3.

4. This Notice of Removal is timely under 28 U.S.C. § 1446(b).

5. Under 28 U.S.C. § 1446(a), the United States District Court for the Western District of Oklahoma is the appropriate court for filing this Notice of Removal from the District Court of Oklahoma County, Oklahoma, where the Action is pending. *See* 28 U.S.C. § 116(c).

6. Venue is proper pursuant to 28 U.S.C. §§ 1441(a) and 1391(b).

II. Removal is proper because this Court has subject matter jurisdiction under 28 U.S.C. § 1332.

7. This Court has original jurisdiction over this action under the diversity of citizenship provision contained in 28 U.S.C. § 1332(a) because this is a civil action (A) where the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and (B) between citizens of different states. Thus, the Action may be removed to this Court by Hartford pursuant to 28 U.S.C. § 1441(a).

A. The amount in controversy requirement is satisfied.

8. The Petition purports to state claims against Hartford for breach of contract and breach of the duty of good faith and fair dealing. Plaintiff seeks actual damages,

consequential damages, and punitive damages, each “in excess of \$75,000.” *See* Ex. 1, Pet. ¶¶ 11, 13.

9. Thus, it is apparent from the face of the Petition that Plaintiff seeks recovery of an amount in excess of \$75,000, exclusive of interest and costs. *See id.* ¶ 13 (“As a result of the Defendant’s actions as set forth above, Plaintiff has suffered actual damages in an amount not yet to be determined, but believed to be far in excess of \$75,000.00, consequential damages in an amount not yet determined, but believed to be in excess of \$75,000.00, and punitive damages in an amount not yet determined, but believed to be far in excess of \$75,000.00.”).

10. The assertions regarding damages in the Petition are sufficient to demonstrate that the amount in controversy requirement for diversity jurisdiction has been met. 28 U.S.C. § 1446(c)(2); *see Dart Cherokee Basin Operating Co. v. Owens*, --- U.S. ---, 135 S. Ct. 547, 551 (2014).

B. Complete diversity of citizenship exists between Plaintiff and Hartford.

11. Hartford is a corporation organized under the laws of the State of Connecticut, with its principal place of business in the State of Connecticut. For purposes of determining diversity jurisdiction, Hartford is thus a citizen of Connecticut.

12. Plaintiff is an Oklahoma limited liability company, its sole member is Jeremy Mitchell, and Mr. Mitchell is a citizen of Oklahoma.

13. Based on the foregoing, complete diversity exists between Plaintiff and Defendant.

14. Hartford reserves the right to amend or supplement this Notice of Removal.

15. Hartford reserves all defenses, including, without limitation, those set forth in Fed. R. Civ. P. 12.

16. Written notice of the filing of this Notice of Removal will be given to Plaintiff and the state court promptly after the filing of the Notice of Removal pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Hartford removes this Action to this Court under 28 U.S.C. §§ 1332, 1441, and 1446, and invokes this Court's jurisdiction.

Respectfully submitted this 2nd day of February, 2015.

/s/Jodi W. Dishman

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ATTORNEYS FOR DEFENDANT
HARTFORD UNDERWRITERS INSURANCE
COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of February, 2015, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following registrant:

David Bernstein
ATTORNEY FOR PLAINTIFF

Additionally, I hereby certify that a true and correct copy of the above and foregoing was sent by U.S. Postal Service this 2nd day of February, 2015, to:

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/s/Jodi W. Dishman

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